

# EXHIBIT A

7/7/2021

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## Intellectual Property Policy for Sellers

This policy provides an overview of intellectual property (IP) rights and some common IP concerns that might arise when selling on Amazon. When you sell on Amazon:

- You must comply with all federal, state, and local laws and Amazon policies applicable to your products and product listings
- You may not violate the IP rights of brands or other rights owners

Violating this policy may result in loss of selling privileges or other legal consequences.

**Important:** This policy is not legal advice. You should consult a lawyer if you have a specific question about your IP rights or the IP rights of others.

There are 3 main types of IP rights:

- Copyrights are legal protections for original works of authorship
- Trademarks are legal protections for a word, symbol, design, or combination of the same that a company uses to identify goods and services
- Patents are legal protections for inventions

## Amazon's IP enforcement

- Responding to an IP infringement notice.** If you receive a notice or warning for infringement and you believe the rights owner or Amazon made an error, you may appeal or dispute the claim.

Type of notice or warning	Actions you may take
For a product you never listed on Amazon	Reply to the notification you received and let us know that you have never listed the reported product. We will investigate to determine if an error occurred.
If you have an established relationship with the rights owner	If you have a license or other agreement that allows you to use the IP identified in the notice, contact the rights owner who submitted the complaint to request a retraction. Your content may be reinstated if we receive a retraction from the rights owner.
Trademark or Counterfeit infringement on the product or packaging	Use the Account Health Dashboard present in your selling account to provide an invoice or Order ID that demonstrates the authenticity of the product. We will then re-evaluate the notice and your content may be reinstated.
Trademark or Counterfeit infringement on the product detail page	<p>Modify the product detail page or pages to ensure they do not infringe the trademark and then submit your appeal by going to the <a href="#">Account Health</a> page.</p> <p>OR</p> <p>If you believe your listing was removed in error, you may submit your appeal by going to the <a href="#">Account Health</a> page. Please provide supporting documentation (e.g., letter of authorization, licensing agreement). We will then re-evaluate the notice, and your content may be reinstated.</p>
Patent infringement	Reply to the notification you received, with specific reasons as to why you believe a mistake was made. You may also provide a court order demonstrating that your product is non-infringing or that the asserted patent is invalid or unenforceable.
Copyright infringement	<p>You may file a counter-notice under the Digital Millennium Copyright Act. The counter-notice must be sent to the email provided in your copyright warning and must include:</p> <ul style="list-style-type: none"> <li>Your physical or electronic signature. You can sign electronically by typing your name with an indication that it is intended to be a signature: "/s/ Seller Name."</li> <li>Identification of the material that has been removed or to which access has been disabled, and the specific location where the material appeared before it was removed or access was disabled. An ASIN is generally sufficient.</li> <li>A statement under penalty of perjury that you have a good-faith belief that the material was removed or disabled as a result of error or misidentification of the material to be removed or disabled.</li> <li>Your name, address, and telephone number, and a statement that you consent to the jurisdiction of the Federal District Court for the judicial district in which your seller address is located; or, if you are located outside the United States, to the jurisdiction of the United States District Court for the Western District of Washington, and that you will accept service of process from the person who provided notification of alleged copyright infringement or an agent of such person.</li> </ul>
<ul style="list-style-type: none"> <li><b>Multiple warnings of IP infringement.</b> If you have received multiple warnings of IP infringement and you believe you are selling non-infringing products, submit an appeal via Seller Central with the following information: A list of the allegedly infringing ASINs and at least one of the following, as applicable: <ul style="list-style-type: none"> <li>Invoices proving the authenticity of your products (you may remove pricing information); OR</li> <li>Amazon order IDs demonstrating product authenticity; OR</li> <li>An authorization letter from the rights owner (cannot be a forwarded email); OR</li> <li>A court order finding that your product does not infringe the asserted IP, or that the asserted IP is invalid or unenforceable.</li> </ul> </li> </ul>	

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<https://sellercentral.amazon.com/gp/help/help.html?itemID=201361070>

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- **Account suspension.** If your account has been suspended because of notices of IP infringement against your products or content, you can provide us with a viable Plan of Action. To learn more, refer to [Create a plan of action to reinstate selling privileges](#). You should send your Plan of Action via your [account dashboard](#) or reply to the account suspension notification that you received. We will evaluate your Plan of Action and determine if your account may be reinstated. Note that Amazon terminates the accounts of repeat infringers in appropriate circumstances.
- **Sellers are expected to follow the law.** Amazon takes claims of IP infringement seriously. Even if a seller is infringing IP without knowledge, we will still take action and the seller's account might receive a warning or be suspended. You should consult an attorney for help to ensure that you have the right procedures in place to prevent IP infringement.

## Intellectual Property Policy for Sellers

- [Intellectual Property Policy for Sellers - FAQ about Copyrights](#)
- [Intellectual Property Policy for Sellers - FAQ about Trademarks](#)
- [Intellectual Property Policy for Sellers - FAQ about Patents](#)

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## Intellectual Property Policy for Sellers - FAQ about Copyrights

A copyright is a type of [intellectual property](#) (IP) that protects original works of authorship.

### 1. What is a copyright?

A copyright protects original works of authorship, such as videos, movies, songs, books, musicals, video games, paintings, etc. Generally, copyright law is meant to incentivize the creation of original works of authorship for the benefit of the public. To receive copyright protection, a work of authorship must be created by an author, and must have some amount of creativity. If you are the author of an original work, then you typically own the copyright in that work.

The Digital Millennium Copyright Act (DMCA) is a United States law that governs online copyrighted materials. The DMCA applies to copyrights only and not to trademarks or patents.

### 2. How do I know if I own the copyright for one or more of the images or videos I am using on the detail page?

- You generally own the copyright of the photo you took or the video you filmed for your product.
- You generally do not own the copyright of photos or videos you found on someone else's website, and you must not upload such content to a product detail page without the copyright holder's permission.

Example: The owner of the Pinzon brand took the photos of the sheets shown below and owns the copyright in the images of the sheets. If a seller were to copy these images to sell their product on another product detail page, that seller could be violating the rights owner's copyright in the images of the sheets.



**Note:** When you add your copyrighted image or video to a product detail page, you grant Amazon and its affiliates a license to use the material. Other sellers can list their items for sale on pages to which you have added your copyrighted images and videos, even if you no longer sell that product. To ensure that you are not violating someone's copyrights, make sure to upload only images, videos or text that you have created yourself or for which you have the copyright holder's permission to upload. Refer to the United States Copyright Office's website for more information about [copyright basics](#) and [FAQ](#).

### 3. Am I allowed to upload or sell someone else's copyrighted work on Amazon?

You may be able to upload or sell someone else's copyrighted work on Amazon if you have received permission from the copyright owner or if your use is protected by the "first sale" doctrine. The first sale doctrine generally permits the resale of a genuine, lawfully purchased physical item (such as a book or CD) without permission from the copyright owner.

Example: If you decide to sell a used copy of someone else's book on Amazon, you are selling someone else's copyrighted work. You are usually allowed to sell your particular copy of the book without further permission from the copyright owner because the first sale doctrine protects the resale of genuine, lawfully purchased items.

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## Intellectual Property Policy for Sellers - FAQ about Patents

A patent is a type of [intellectual property](#) (IP) that protects inventions.

### 1. What is a patent?

A patent is a form of legal protection for inventions. An issued patent grants its owner the right to exclude others from making, using, offering to sell, selling, or importing the invention into the United States for a fixed number of years.

### 2. Are there different types of patents?

There are two principal types of patents in the United States: Utility patents and Design patents.

Utility patents, the most common kind of patent, may be granted for a new machine, articles of manufacture, composition of matter, process, or improvement to any of those, and generally protect the structure and functions of a product rather than how it looks.

Design patents, on the other hand, may be granted for the unique look of a product, but do not cover the structure or functions of a product.

### 3. How are patents different from trademarks and copyrights?

A patent is different from a trademark in that it protects an invention (such as a new machine) rather than a word or logo used to identify the source of the product (such as the brand name of the product). A patent is different from a copyright in that it does not protect the expressive content of a creative work like a book or a picture, but protects a specific invention, such as a new method of printing books or a new type of camera.

The United States Patent and Trademark Office offers resources to [learn more about patents](#).

### 4. How can I make sure that I do not violate someone's patent when selling on Amazon?

The manufacturer or distributor of a product might be able to assist you with patent-related issues. If you are unsure whether your content or product violates someone else's patent, you should consult a lawyer before listing on Amazon.

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## Intellectual Property Policy for Sellers - FAQ about Trademarks

A trademark is a type of [intellectual property](#) (IP) that protects words, symbols, and designs used to identify a company's goods or services.

### 1. What is a trademark?

A trademark is a word, symbol or design, or a combination of the same (such as a brand name or logo) that a company uses to identify its goods or services and to distinguish them from other companies' goods and services. Put another way, a trademark indicates the source of goods or services. Generally, trademark laws exist to prevent customer confusion about the source of goods or services.

Example: "Amazon" is a trademark we use for many of our goods and services. Other Amazon trademarks contain both pictures and words, such as the "Available at Amazon" trademark.



### 2. How can a trademark owner protect a trademark?

A trademark owner usually protects a trademark by registering it with a country-specific trademark office (such as the United States Patent and Trademark Office). In some cases, a person or company might have trademark rights based on only the use of a mark in commerce, even though the mark was never registered with a country-specific trademark office. Those rights are known as "common law" trademark rights and can be more limited.

### 3. What does trademark law protect?

Generally, trademark law protects sellers of goods and services from customer confusion about who provides, endorses, or is affiliated with particular goods or services. A trademark owner might be able to stop others from using a particular mark, or a confusingly similar mark, if using the mark is likely to cause a customer to be confused about whether the product being sold is the trademark owner's product.

### 4. Where are trademarks displayed on detail pages?

Trademarks are often displayed on Amazon's product detail pages in the form of product and brand names listed on a product detail page. For example, the trademark "Pinzon" appears in the brand name or "byline" portion of the product detail page shown below. The "Pinzon" trademark also appears in the product name portion of the product detail page ("Pinzon Flannel Sheet Set - King, Sage").



The United States Patent and Trademark Office offers resources to [learn more about trademarks](#).

### 5. Do I always need the rights owner's permission to use a trademark in the creation of a product detail page?

Usually, the unauthorized use of a trademark in the creation of a detail page is infringing only if it is likely to cause confusion as to the source, endorsement, or affiliation of the goods. Just because you are not the owner of a trademark does not necessarily mean that you cannot sell another company's product.

Example: If you are selling a genuine Pinzon sheet set and you are advertising the product as a Pinzon sheet set, you might not be causing confusion as to the source or affiliation of the goods (in other words, Pinzon) and, if not, are not infringing on the Pinzon trademark.

### 6. As a seller, when can I use someone else's trademark in the creation of a product detail page?

Typically, a seller can use someone else's trademark in the following circumstances:

- When selling authentic goods, a seller may use a trademarked name to list those goods. For example, a seller who lists an authentic "Pinzon" product is not necessarily infringing on the owner of the Pinzon trademark because the seller is using the trademark to identify an authentic product.
- When using a trademarked word in its ordinary dictionary meaning.
- When making truthful statements that a product is compatible with a trademarked product. For example, if you offer a cable that is compatible with the Kindle e-reader, you can use the brand name "Kindle" to indicate that compatibility in the text of your detail page. You cannot use a logo to indicate compatibility, only the brand name. Any statement you make about compatibility must be true. If you want to indicate the compatibility of your product with a product of a different brand in the product title, please build your product title as follows, taking also account of the [Amazon Brand Name Policy](#). If you do not apply this format to your product title, your listing may be removed as potentially trademark infringing.

Title format for branded compatible products

[Your Product's Brand Name] + [Product Name] + "for"/"compatible with"/"fits"/"intended for" + [Brand of Main Product] + [Main Product Name] + (other product title elements, if applicable)

Examples:

- Xandu USB charging cable, compatible with AmazonBasics speaker
- TonTon Sleeve intended for Kindle Fire

Title format for generic compatible products

"Generic" + [Product Name] + "for"/"compatible with"/"fits"/"intended for" + [Brand of Main Product] + [Main Product Name] + (other product title elements, if applicable)

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Example:

Generic Replacement filter for AmazonBasics Waterfilter A3

7. How can I make sure that I am not violating trademark law when selling on Amazon? When you decide to sell products on Amazon, ask yourself the following questions:
- Are the goods I am selling from a reputable distributor?
  - How did I acquire these goods, and will I be able to prove they are authentic if asked to do so?
  - Will the way I am describing these goods confuse customers? For example, would something about your product detail page for the generic sheet set cause customers to believe they are purchasing a Pinzon sheet set?
  - Did I use a brand name or trademark in a non-confusing and truthful manner to describe compatibility (generally allowed) instead of similarity (not allowed)?

The table below shows examples of correctly and incorrectly branded listings under Amazon listing policy:

Listing title	Brand	Status of listing
AmazonBasics Speaker	(blank)	Inactive listing due to incorrect Brand field. Because the Brand attribute is blank (not "AmazonBasics"), the listing title cannot imply that the product is an AmazonBasics product.
AmazonBasics Speaker	AmazonBasics	Active listing, with correct Brand field use and acceptable title.
Six foot USB charging cable, compatible with AmazonBasics speaker	(blank)	Active listing, with acceptable title and Brand field use, IF the charging cable is compatible with AmazonBasics speakers. Title indicates compatibility without implying that this is an AmazonBasics branded product; Brand field may be blank for generic product.
Wireless Speakers with six foot USB charging cable, compatible with AmazonBasics speaker	Wireless Speakers Inc.	Active listing, with correct Brand Field use and acceptable title, IF the charging cable is compatible with AmazonBasics speakers.

#### What is counterfeiting?

Counterfeiting is a specific type of trademark infringement. A counterfeit is an unlawful total or partial reproduction of a registered trademark or a mark that is very similar to a registered trademark in connection with the sale of a product that does not come from the trademark holder.

Counterfeiting requires the use of a registered trademark on the product or packaging. Registered trademarks can protect the brand name the product is sold under, a logo on the product, or the shape or look of the product itself. An item that looks like or is identical to a trademarked item is not counterfeit if the item is sold on a separate product detail page and does not improperly use a registered trademark. However, in cases where a registered trademark protects the shape or appearance of a product itself, identical products may be counterfeit even if they do not feature a brand name or logo. Note: Items that are not counterfeit may nonetheless infringe the intellectual property rights of others. You are responsible for ensuring that you do not list infringing products. You should consult a lawyer if you have a specific question about your IP rights or the IP rights of others.

Read more about [Amazon's Anti-Counterfeiting policy](#).

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